

1 John Hsu
 2 P. O. Box 1255
 3 Berkeley, CA 94701
 4 H: (510) 841-5992

5 Plaintiff in pro per

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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10

11 JOHN HSU,

12 Plaintiff,

13 v.

14 CALIFORNIA DEPARTMENT OF
 15 TOXIC SUBSTANCES CONTROL,

16 and

17 JEFFREY WONG in his personal
 18 capacity,

19 Defendants.

20 CASE NO: C 08-02586 MHP

21 **PLAINTIFF'S REQUEST FOR
 22 LEAVE TO APPEND CALIFORNIA
 23 GOVERNMENT PROGRAM'S
 24 11/19/09 "RIGHT-T0-SUE" LETTER
 25 TO PLAINTIFF'S EMPLOYMENT
 26 DISCRIMINATION COMPLAINT;
 27 [PROPOSED] ORDER.**

28 Hearing date:

Hearing time:

Courtroom 15: 18th Floor
 450 Golden Gate Ave.
 San Francisco, CA 94102

Judge: The Honorable
 Marilyn Hall Patel

21
 22 TO THE COURT, DEFENDANTS, AND THEIR COUNSEL OF RECORDS:

23 The instant action includes a claim for Defendant California Department of Toxic

24 Substances Control ("DTSC")'s ongoing and continuing breach of a Settlement Agreement
 25 reached on 8/25/03 in this Court. As the Settlement Agreement was fully incorporated into this
 26 Court's 9/22/03 Order, this Court has ancillary jurisdiction to enforce the 9/22/03 Order.

27 *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381 [126 L.Ed.2d 391, 397, 114
 28 S.Ct. 1673, 1677] (1994). DTSC has asserted, however, that Plaintiff is required to first

1 present the breach claim to the California Victim Compensation & Government Claims Board
2 ("Board") (Cal. Gov. Code, § 945.4). Accordingly, Plaintiff presented the claim, and obtained
3 the Board's "Right to Sue" letter, dated 11/19/09, copy attached. Although Plaintiff does not
4 believe that his case requires claim presentation, in order to minimize possible complications in
5 the future, Plaintiff respectfully requests the Court for leave to append the 11/19/09 "Right to
6 Sue" letter to Plaintiff's 5/22/08 Employment Discrimination Complaint.

7 Dated: November 30, 2009

Respectfully submitted,



10 JOHN HSU, Plaintiff in *pro per*
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13 **[PROPOSED] ORDER**
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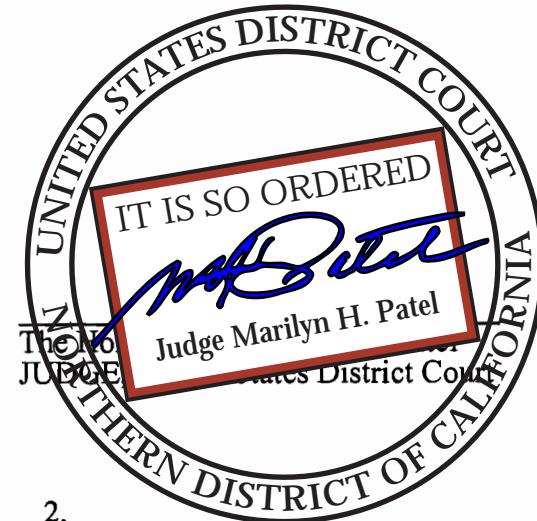
15 GOOD CAUSE APPEARING,

16 Plaintiff's request for leave to append is GRANTED.

17 The California Victim Compensation and Government Claims Program's 11/19/09
18 "Right to Sue" letter is DEEMED APPENDED to Plaintiff's 5/22/08 Employment
19 Discrimination Complaint.

20 IT IS SO ORDERED.
21

22 Dated: 12/3/2009



2.



STATE OF CALIFORNIA
ARNOLD SCHWARZENEGGER, Governor

GOVERNMENT CLAIMS PROGRAM

400 R Street, 5th Floor • Sacramento, California 95811
Mailing Address: P.O. Box 3035 • Sacramento, California 95812
Toll Free Telephone Number 1-800-955-0045 • Fax Number: (916) 491-6443
Internet: www.vccgb.ca.gov

FRED AGUIAR

Secretary

State and Consumer Services Agency
Chairperson

JOHN CHIANG
State Controller
Board Member

MICHAEL A. RAMOS

San Bernardino County District Attorney
Board Member

JULIE NAUMAN
Executive Officer

John Hsu
PO Box 1255
Berkeley, CA 94701

November 19, 2009

RE: Claim G586053 for John Hsu

Dear John Hsu,

The Victim Compensation and Government Claims Board rejected your claim at its hearing on November 12, 2009.

If you have questions about this matter, please mention letter reference 118 and claim number G586053 when you call or write your claim technician or analyst at (800) 955-0045.

Sincerely,


Jacqueline B. Tinetti, Program Manager
Government Claims Program
Victim Compensation and Government Claims Board

cc: T-1 Toxic Substances Control, Attn: Elizabeth Yelland, Chief Counsel

Warning

"Subject to certain exceptions, you have only six months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim." See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately".

It is not necessary or proper to include the Victims Compensation and Government Claims Board (Board) in your court action unless the Board was identified as a defendant in your original claim. Please consult Government Code section 955.4 regarding proper service of the summons.

Ltr 118 Board Claim Rejection